

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PAUL ALLEN ADAMS,

Plaintiff,

v.

ORDER

LIZZIE TEGELS, TAMMY MAASSEN, DEBRA
TIDQUIST, PAULINE HULSTEIN, NURSE
ANTHONY HENTZ, LIN KIMPEL, and KRISTINE
PRALLE,

18-cv-971-jdp

Defendants.

Attorney Briane Pagel notified the court that former plaintiff Paul Allen Adams had died. Dkt. 129. In response to my order, defendants filed a statement of death. Dkt. 133. Pagel and defendants investigated whether Adams had a successor or representative and determined that he had no representative and that his daughter, Sasha Adams, was his only potential successor. *See* Dkt. 135. Sasha Adams was served with the statement of death on November 16, 2022. Dkt. 135-1. Defendants have moved to dismiss the case under Federal Rule of Civil Procedure 25(a), noting that neither Sasha Adams nor anyone else moved for substitution within 90 days after her service with the statement of death. Dkt. 136. Because Sasha Adams failed to move for substitution within 90 days after she was served with the statement of death, I will dismiss the case with prejudice. *See* Fed. R. Civ. P. 25(a)(1); *see also Russell v. City of Milwaukee*, 338 F.3d 662, 663 (7th Cir. 2003) (affirming dismissal with prejudice under Rule 25(a)).

ORDER

IT IS ORDERED that:

1. Defendants' motion to dismiss, Dkt. 136, is GRANTED, and this case is DISMISSED with prejudice.
2. Defendants' motion for summary judgment, Dkt. 74, is DENIED AS MOOT.
3. The clerk of court is directed to enter judgment accordingly.

Entered February 22, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge